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*Lee*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/690,600

10/23/2003

Dar-Fu Tai

MR957-1411

6731

4586

7590

08/28/2007

ROSENBERG, KLEIN & LEE

3458 ELLICOTT CENTER DRIVE-SUITE 101

ELLICOTT CITY, MD 21043

EXAMINER

LIN, JERRY

ART UNIT

PAPER NUMBER

1631

MAIL DATE

DELIVERY MODE

08/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10690600	10/23/2003	TAI ET AL.	MR957-1411

ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY, MD 21043

**EXAMINER**

Jerry Lin

ART UNIT	PAPER
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1631	20070823
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DATE MAILED:

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**Commissioner for Patents**

**Notice of Non-Responsive Amendment**

The amendment filed on June 12, 2007, amending all the claims drawn to the elected invention into claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because: The originally presented claims and the amended claims are directed to related processes. The related inventions are distinct if (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions have materially different design, mode of operation, function and effect. The original claims were drawn to a method for discriminating a peptide and included the step of detecting by QCM or a SPR. In contrast, the amended claims are drawn to forming a molecularly imprinted membrane including the step of dissolving a derivative of cystine. Thus, the invention of the original claims and the invention of the amended claims contain different steps which are of materially different design and mode of operation. In addition, the purposes of the methods are also different and thus have a materially different function and effect. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Lin whose telephone number is (571) 272-2561. The examiner can normally be reached on 10:00-6:30, M-F.  
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Majorie A. Moran can be reached at (571) 272-0720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.  
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JL/

/Shubo (Joe) Zhou/  
SHUBO (JOE) ZHOU, PH.D.  
PRIMARY EXAMINER